

STATE OF OHIO

COUNTY OF SUMMIT

**DECLARATION OF JOE OTT**


NOW COMES Joe Ott, being duly sworn who deposes and says as follows:

1. I am employed by Sterling Jewelers Inc. as Director of New Account Lending, and I make this declaration in my capacity as such and based upon my own review of the records of Sterling Jewelers Inc. d/b/a Kay Jewelers.
2. Attached hereto as Exhibit A and incorporated herein is a true and accurate copy of an application for credit with Kay Jewelers by Alejandro A. Lopez.
3. On Exhibit A Mr. Lopez's social security number, date of birth, and driver's license are redacted except for the last four digits of the social security number (6362) and date of birth (1983). This information was provided by Mr. Lopez at the time he applied for credit with Kay Jewelers.
4. The form provides, immediately above Mr. Lopez's signature, consent to investigate Mr. Lopez's credit record in connection with the application for credit. It also provides that Mr. Lopez's credit record may be accessed in connection with any update, renewal, extension of credit, or collection of the account.
5. On or about 11/9/2008, Sterling requested from Equifax LLC, a credit report for Alejandro A. Lopez, SSN ###-##-6362, with a date of birth ####/1983, based on information Sterling had received from the applicant on a credit application. Sterling made the request by inputting the applicant's social security number, name, address and date of birth into the point of sale system with the rest of the application data, fed to the automated credit system (ACS) electronically at which time the ACS system requested the credit report from Equifax.



6. Based on Sterling's record retention policy, Sterling does not retain any communications or credit bureau documentation after one year. Therefore, all record of the request for credit information from Equifax was purged in 2009.
7. As a part of its regular business practices, Sterling purchases credit attributes for all of its open accounts for account maintenance purposes. Those credit attributes are provided by TransUnion. Sterling has requested credit attributes for Alejandro A. Lopez, SSN ###-##-6362, with a date of birth ###/###/1983 in connection with the maintenance of its account at various times since 2009. Sterling purchased these credit attributes by using PGP encrypted files which are passed between TransUnion and Sterling using file transfer protocol requiring a user name and password.
8. Based upon Sterling's records, Sterling has never submitted a request for credit information of Alejandro A. Lopez, SSN ###-##-6359, from Trans Union or any other credit bureau.

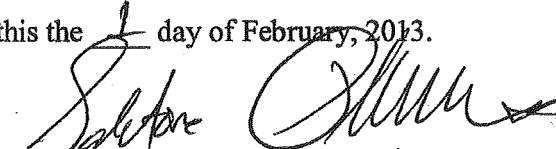
This the 1 day of February, 2013.

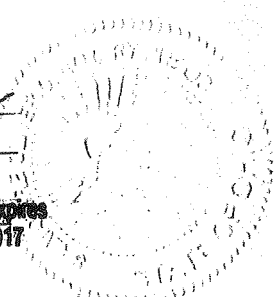
  
\_\_\_\_\_  
Joe Ott  
Director, New Account Lending  
Sterling Jewelers Inc.

STATE OF OHIO                    )  
  )     ACKNOWLEDGMENT  
COUNTY OF SUMMIT            )

I, Salvatore Oliverio, Notary Public for the State of Ohio, do hereby certify that the  
above-named Joe Ott, personally appeared before me this day and acknowledged the due  
execution of the foregoing instrument.

Witness my hand and official seal this the 1 day of February, 2013.

  
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Notary Public for State of Ohio  
My Commission Expires: February 27, 2017



**KAY**  
JEWELERS  
KAY AND SONS JEWELERS  
kay.com

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SSN

AT TYPE	1 INDIVIDUAL ACCOUNT: In one name and based solely on your own credit worthiness. Applicant if married; may apply for an individual account.		2 JOINT ACCOUNT: Is based on credit worthiness of both applicant and joint applicant. Both may use the account and will be liable and responsible for payments. Both must sign below.		3 COSIGNED ACCOUNT: Cosigner and applicant must each complete separate applications. Only applicant will be permitted to use the account, but both will be liable and responsible for payments.	
	NOTICE: *Alimony, child support or separate maintenance need not be revealed. I you do not wish to rely on I to obtain credit.					
PERSONAL	Name: <b>A/EJANDRO A LOPEZ</b>		1 Are you a U.S. Citizen? <b>Y</b> N		2 Are you in the military? <b>Y</b> N	
	Home Address: [REDACTED]		City: <b>ARLINGTON</b> State: <b>VA</b> Zip Code: [REDACTED]			
	Phone: [REDACTED]		Name Phone Billed Under: <b>SAME</b> Other Phone: ( )		Rent/Buy/Other: <b>BUY</b> Length of Time: <b>10 years</b>	
	Statement Mailing Address: (If different than above)					
	Previous Address: (If at current address less than 3 years) City: State: Zip Code: Length of Time:					
EMPLOYMENT	SSN: [REDACTED] 6362 DOB: [REDACTED] 1983		City: State: Zip Code: Length of Time:		E-Mail Address:	
	Nearest Relative Not Living With You: <b>MARCELA DIAZ</b> State of Residence: <b>VA</b>		Phone: [REDACTED]			
	Employer: <b>LINDSAY CADILLAC</b> Position:		Self-Employed? <b>Y</b> N			
	Address: City: State: Zip Code:					
	Phone: <b>703-998-6600</b> Gross Monthly Salary: [REDACTED] Length of Time: <b>1 year</b>		Previous Employer: (If with current employer less than 1 year) Prev. Length of Time:			
JOINT APPLICANT	*Other Income Amount: Source:					
	Name: [REDACTED] Rent/Buy/Other:		Are you a U.S. Citizen? <b>Y</b> N			
	Home Address: (If different from primary applicant) City: State: Zip Code: Length of Time:					
	Phone: ( ) SSN: DOB: Old:					
	Employer Name and Address: Self-Employed? <b>Y</b> N					
Phone: ( ) Gross Monthly Salary: Length of Time:						
*Other Income Amount: Source:						
<p>You may investigate my credit record and obtain a consumer report in connection with this application and later in connection with an update, renewal, extension of credit or collection of the account. Upon request, I will be told whether or not a consumer report was requested and, if such a report was requested, I will be told the name and address of the reporting agency that furnished that report. (TO FIND OUT ABOUT CHANGES IN THE INFORMATION IN THE AGREEMENT ACCOMPANYING THIS APPLICATION, WRITE TO LS AT PO BOX 3680, AKRON, OH 44309-3680). STATE LAW REQUIRES US TO GIVE THE FOLLOWING NOTICES: California Residents: After credit approval each applicant may be liable for all amounts of credit extended under this Account to any joint applicant. Ohio Residents: THE OHIO LAWS AGAINST DISCRIMINATION REQUIRE THAT ALL CREDITORS MAKE CREDIT EQUALLY AVAILABLE TO ALL CREDITWORTHY CUSTOMERS, AND THAT CREDIT REPORTING AGENCIES MAINTAIN SEPARATE CREDIT HISTORIES ON EACH INDIVIDUAL. UPON REQUEST, THE OHIO CIVIL RIGHTS COMMISSION ADMINISTERS COMPLIANCE WITH THIS LAW. New York Residents: We have a security interest in goods costing more than \$200.00 until the full payment price of those goods is paid. Wisconsin Residents: If you are married and are applying for an individual account, combine your and your spouse's financial information above. Marital Agreement Notice - No provision of marital property agreement, unilateral statement under Sec. 766.59 Wis. Stats., or court decree under Sec. 766.70 Wis. Stats., will adversely affect our rights unless we are furnished a copy of the agreement, statement or decree, or we have actual knowledge of its terms, before a credit is granted or the account is opened. We are required to ask married residents of Wisconsin for the following information:</p> <p>Name of Spouse: Address of Spouse:</p>						
<p><b>BEFORE SIGNING BELOW, I (WE) HAVE READ THE DISCLOSURES THAT APPEAR ON THIS APPLICATION AND THE KAY JEWELERS RETAIL INSTALLMENT CREDIT AGREEMENT, THE TERMS OF WHICH ARE INCORPORATED BY REFERENCE IN AND MADE A PART OF THIS APPLICATION, AND I (WE) HAVE RECEIVED A COPY OF THAT AGREEMENT.</b></p>						
Applicant: <b>X</b> <i>Alfredo A. Lopez</i> Date: <b>3/04/12</b> Joint Applicant: <b>X</b>						
Credit Line: <b>1820</b> Account Number: <b>3104427778</b>		0300-13S-0000 (R:08/05) 680891				

EXHIBIT

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